

**REDACTED**  
**EXHIBIT C**

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Jame E. Harris, III - November 27, 2023

Page 1

1 THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

4 \_\_\_\_\_ )  
5 HEADWATER RESEARCH, LLC, )  
6 Plaintiff, )  
7 vs. ) Case No.  
8 ) 2:22-CV-00422-RG-RSP  
9 SAMSUNG ELECTRONIC CO., LTD )  
10 AND SAMSUNG ELECTRONICS )  
11 AMERICA, INC., )  
12 Defendants. )  
13 \_\_\_\_\_ )

14  
15 CONFIDENTIAL - ATTORNEYS' EYES ONLY

16 VIDEO RECORDED DEPOSITION OF JAMES E. HARRIS, III

17 Monday, November 27, 2023, 9:04 a.m.

18 FISH & RICHARDSON PC  
19 1000 Maine Avenue, SW  
20 Washington, DC

21  
22 Reported By: Marjorie Peters, FAPR, RMR, CRR, RSA

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8                   CONFIDENTIAL - ATTORNEYS' EYES ONLY  
9                   VIDEO RECORDED DEPOSITION OF JAMES E. HARRIS, III,  
10                  a witness herein, called by the Samsung Defendants  
11                  for examination, taken pursuant to Subpoena, Federal  
12                  Rules of Civil Procedure, by and before Marjorie  
13                  Peters, a Registered Merit Reporter, Certified  
14                  Realtime Reporter and Notary Public in and for the  
15                  District of Columbia, at FISH & RICHARDSON PC, 1000  
16                  Maine Avenue, SW, Washington, DC, on Monday,  
17                  November 27, 2023, at 9:04 a.m.

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1 APPEARANCES

2 For the Plaintiff:

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6

7 For the Defendants:

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202-626-7754

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14 Lake@fr.com  
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15

16 ALSO PRESENT:

17 Orson Braithwaite, Legal Videographer

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20

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A horizontal bar chart consisting of 15 black bars of varying lengths. The bars are arranged in a single row, with their lengths increasing from left to right. The first bar is the shortest, and the last bar is the longest. The bars are set against a white background.

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1 Thad Kodish, Esq., Fish & Richardson, (via Zoom)

2 Reza Mirzaie and Jason Weitholter

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09:03:29 1 P R O C E E D I N G S  
09:03:29 2 THE VIDEOGRAPHER: Good morning.  
09:03:30 3 Here begins Disk 1 in the deposition of Mr. James  
09:03:35 4 Harris in the matter of Headwater Research versus  
09:03:40 5 Samsung Electronics Company, LTD.  
09:03:43 6 Today's date is November 27th, 2023.  
09:03:45 7 And the time is 9:04 a.m.  
09:03:47 8 This deposition is being taken at  
09:03:49 9 Fish & Richardson, P.C., located at 1000 Maine  
09:03:54 10 Avenue Southwest, Washington, D.C.  
09:03:55 11 I'm Orson Braithwaite, the  
09:03:57 12 videographer. And the court reporter is Marjorie  
09:04:00 13 Peters from the firm Gregory Edwards, LLC.  
09:04:03 14 Counsel will now enter -- excuse me.  
09:04:05 15 Counsel will introduce themselves  
09:04:06 16 for the record.  
09:04:07 17 MR. HARTZMAN: This is Jared  
09:04:09 18 Hartzman from Fish & Richardson representing the  
09:04:12 19 Samsung Defendants. And with me today is my  
09:04:14 20 colleague, Steffen Lake. And on the line is Thad  
09:04:20 21 Kodish.  
09:04:20 22 MR. FENSTER: Good morning. This is

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09:04:22 1 Marc Fenster with Russ, August & Kabat on behalf of  
09:04:27 2 the Plaintiff, Headwater, and the Headwater  
09:04:27 3 entities. With me on the line are my partners, Reza  
09:04:35 4 Mirzaie and Jason Weitholter.

09:04:35 5 THE VIDEOGRAPHER: Thank you.

09:04:36 6 Will the court reporter please swear  
09:04:37 7 in the Witness.

09:04:37 8 Thereupon,

09:04:37 9 JAMES E. HARRIS, III,  
09:04:37 10 having been called as a witness, on behalf of the  
09:04:47 11 Plaintiff, being duly sworn, testified as follows:

09:04:47 12 EXAMINATION

09:04:47 13 BY MR. HARTZMAN:

[REDACTED]  
[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

09:17:22 5 Q. Do you have any knowledge of programming

09:17:24 6 languages?

09:17:25 7 A. Yes.

09:17:26 8 Q. Which ones are you fluent in?

09:17:29 9 A. I don't know that I'm fluent in any of

09:17:31 10 them anymore. I'm certainly most fluent in C, and

09:17:36 11 C++, but there are a number of languages that I

09:17:44 12 understand well, but not well enough that I code

09:17:47 13 them in every day, but I can read them.

09:17:49 14 Q. Can you list those languages?

09:17:51 15 A. Well, back in the day, Fortran, Ada.

09:17:58 16 Also, you know, more recent, Java, similar --

09:18:07 17 similar languages to that, but probably mostly Java.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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02:05:02 7 Q. Were you aware that Android's source  
02:05:04 8 code was open to the public?  
02:05:05 9 MR. FENSTER: Object to form.  
02:05:06 10 A. I am aware that parts of Android's  
02:05:12 11 source code are open source.

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02:36:39 2 Q. For the record, this is US Patent Number

02:36:42 3 10,237,773.

02:36:52 4 If we turn to Page 13, and we look

02:37:06 5 about two-thirds of the way down the right column,

02:37:11 6 there's a reference to Android Cupcake Excerpts.

02:37:17 7 Let me know when you see that.

02:37:18 8 A. Yes.

02:37:19 9 Q. And it states, "Android Cupcake

02:37:24 10 Excerpts, the Android Open Source Project,

02:37:27 11 February 10th, 2009. "

02:37:28 12 Do you see that?

02:37:29 13 A. Yes.

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A horizontal bar chart consisting of 15 black bars of varying lengths. The bars are arranged vertically from top to bottom. The lengths of the bars are as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. Each bar is preceded by a small black vertical tick mark on the left side.

02:39:04 | 17 Q. Okay. I want to flip back to Harris

02:39:14 18 Exhibit 5.

02:39:35 | 19 If you take a look at the references

02:39:37 20 cited in this patent, do any of the references cited

02:39:42 21 refer to "Android"?

02:39:52 22 MR. FENSTER: Object to form.

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02:39:55 1 A. There's a bunch of patents cited here.  
02:39:58 2 I'm not sure which of them refer to "Android". I'm  
02:40:06 3 sure a lot do. There's probably some that are even  
02:40:09 4 assigned to Google.

02:40:10 5 Yeah, I can't tell that just from  
02:40:12 6 looking at the patent numbers, and first named  
02:40:15 7 inventors.

02:40:16 8 Q. Is the word "Android" ever mentioned in  
02:40:18 9 the references cited?

02:40:21 10 MR. FENSTER: Object to form.

02:40:22 11 A. I mean, unless one of the inventors is  
02:40:36 12 named "Android", no.

02:40:37 13 Q. While we have Exhibit 5 here, do you see  
02:40:46 14 on the cover of this '701 Patent, the applicant is  
02:40:51 15 listed as Headwater Partners I, LLC?

02:40:55 16 A. Yes.

02:40:59 17 Q. So, this would be one of the Headwater  
02:41:02 18 Partners I patent portfolio?

02:41:05 19 A. Correct.

02:41:05 20 Q. I'm going to introduce Harris Exhibit 7.  
02:41:05 21 (Harris Exhibit 7, US Patent Number 9,143,976, was  
02:41:36 22 marked for identification.)

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02:41:36 1 Q. For the record, this is US Patent  
02:41:37 2 Number 9,143,976. Above the Abstract do you see,  
02:41:48 3 again, that you are listed as the attorney of  
02:41:50 4 record?

02:41:51 5 A. Yes.

02:41:51 6 Q. Do you see in the top left corner that  
02:41:54 7 the applicant is, again, Headwater Partners 1?

02:41:58 8 A. Yes.

02:41:58 9 Q. If you turn to the references cited  
02:42:03 10 section for the '976 Patent, is the word "Android"  
02:42:09 11 ever mentioned in the references cited section?

02:42:13 12 MR. FENSTER: Object to form.

02:43:31 13 A. Unless I overlooked it, I don't see it.

02:43:34 14 Q. Okay. I'm going to introduce Harris  
02:43:40 15 Exhibit 8.

02:43:40 16 (Harris Exhibit 8, US Patent Number 9,271,184, was  
02:43:53 17 marked for identification.)

02:43:53 18 Q. For the record, this is US Patent Number  
02:43:55 19 9,271,184.

02:44:04 20 Just like we discussed with the  
02:44:06 21 other patents, do you see here that this applicant  
02:44:08 22 was Headwater Partners 1?

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02:44:11 1 A. Mm-hmm.

02:44:11 2 Q. That you are listed as the attorney of

02:44:13 3 record?

02:44:14 4 A. Yes.

02:44:14 5 Q. In the References Cited section for this

02:44:19 6 patent, is the word Android ever mentioned in the

02:44:25 7 References Cited?

02:44:25 8 MR. FENSTER: Object to form.

02:44:25 9 A. I don't see the word Android. I think

02:45:54 10 this is still a silly line of questioning, because

02:45:57 11 if you searched the references, you would probably

02:46:00 12 find hundreds of mentions of the word Android. Just

02:46:04 13 because it's not in the title...

02:46:07 14 Q. I'm going to introduce Harris Exhibit 9.

02:46:07 15 (Harris Exhibit 9, US Patent Number 9,277,433, was

02:46:10 16 marked for identification.)

02:46:22 17 Q. For the record, this is US Patent Number

02:46:24 18 9,277,433.

02:46:35 19 Do you see on this page you are

02:46:37 20 listed as the attorney of record again?

02:46:41 21 A. Yes.

02:46:41 22 Q. That the applicant was also Headwater

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02:46:48 1 Partners I?

02:46:49 2 A. Yes.

02:46:50 3 Q. All right. I'm going to ask the same

02:46:56 4 question about the references cited, and whether

02:46:58 5 there's any mention of the word "Android"?

02:47:13 6 MR. FENSTER: Object to form.

02:48:50 7 A. I don't see any.

02:48:52 8 Q. All right. I will introduce as Harris

02:48:57 9 Exhibit 10 US Patent Number 9,277,445.

02:48:57 10 (Harris Exhibit 10, US Patent Number 9,277,445, was

02:48:57 11 marked for identification.)

02:49:23 12 Q. Do you see on the first page above the

02:49:27 13 Abstract that you are listed as the attorney of

02:49:28 14 record?

02:49:28 15 A. Yes.

02:49:28 16 Q. That the applicant is Headwater Partners

02:49:32 17 I?

02:49:33 18 A. Yes.

02:49:33 19 Q. If you turn to the References Cited

02:49:36 20 section for the '445 Patent, do you see any mention

02:49:39 21 of the word "Android"?

02:51:32 22 MR. FENSTER: Object to form.

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02:51:32 1 A. No, I don't see it.

02:51:39 2 Q. I'm going to introduce as Exhibit

02:51:43 3 Harris 11 US Patent Number 9,521,578.

02:51:43 4 (Harris Exhibit 11, US Patent Number 9,521,578, was

02:52:03 5 marked for identification.)

02:52:03 6 Q. On the cover page of this patent, the

02:52:05 7 '578 Patent, do you see that you are listed as the

02:52:08 8 attorney of record?

02:52:08 9 A. Yes.

02:52:09 10 Q. That the applicant is Headwater Partners

02:52:12 11 I?

02:52:12 12 A. Yes.

02:52:13 13 Q. If you take a look at the References

02:52:17 14 Cited section of the '578 Patent, is the word

02:52:20 15 "Android" ever mentioned?

02:52:21 16 MR. FENSTER: Object to form.

02:54:54 17 A. I don't see it.

02:54:55 18 Q. I will introduce to the record Harris

02:55:00 19 Exhibit 12.

02:55:00 20 (Harris Exhibit 12, US Patent Number 9,609,544, was

02:55:00 21 marked for identification.)

02:55:17 22 Q. Do you see on the cover page of the

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02:55:18 1 '544 Patent that you are listed as the attorney of  
02:55:21 2 record?  
02:55:22 3 A. Yes.  
02:55:22 4 Q. That the applicant is Headwater Partners  
02:55:26 5 I?  
02:55:26 6 A. Yes.  
02:55:26 7 Q. If you take a look at the References  
02:55:31 8 Cited section, do you see any mention of the word  
02:55:33 9 "Android"?  
02:55:35 10 MR. FENSTER: Object to form.

MR. FENSTER: Object to form.

02:57:22 11 A. I don't see it.

A 10x2 grid of horizontal bars. The left column contains 10 short black bars, and the right column contains 10 long black bars. The bars in the right column are approximately 10 times longer than those in the left column.

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